

Carlisle Conservation Commission
May 23, 2013

Pursuant to the notice filed with the Town Clerk, Chair Kelly Guarino called the meeting to order in the Clark Room at the Town Hall at 7:35 p.m. Also present were Vice Chair Luke Ascolillo and Commissioners Tom Brown, Peter Burn, Jen Bush and Lee Tatistcheff. Conservation Administrator Willard was also present. Commissioners Tom Brownrigg and Lee Tatistcheff were not present.

Emergency Certificates:

The Commission has seen a marked increase in requests for tree removal over the past couple of years in conjunction with increased severity of storm activity. Willard noted that the Town of Bedford allows single tree removal without requiring a filing or an Emergency Certificate if the property owner provides a letter from a certified arborist confirming that the tree proposed for removal poses a hazard, therefore allowing a streamlined process. Brown, who recently filed an RDA for tree removal, said he agrees with streamlining the process. Guarino was also in favor of a streamlined process. Ascolillo said he felt the Commission should stay consistent with their protocol of issuing an Emergency Certificate or, if deemed necessary, requiring a filing. The Commission agreed it would be useful to investigate the matter further before making any changes.

236 Lowell Road: Property owner Patricia Holdsworth is requesting an Emergency Certificate to allow removal of one large oak tree located approximately 12 feet from the home and leaning toward it. The Base of the tree, located approximately 50' from a wetland, is growing out of a rocky outcrop within a maintained lawn area. The stump is to be left in place or ground. *Bush moved to issue an Emergency Certificate to Patricia Holdsworth of 236 Lowell Road to allow removal of one oak tree, with the stump to be left in place or ground, Brown seconded and all voted in favor.*

103 Heald Road: Property owner Jodie Perry is requesting approval to allow removal of a large, split-trunked pine tree located approximately 25 feet from the house. The tree abutting the driveway and the BVW is dead and is dropping bark and small limbs onto the turnout in the driveway. Willard reported that the property owner, who recently purchased the property, had called to inquire about the requirements for removing the tree. Upon her review of the file, Willard found that the previous owners had received an Order of Conditions for the installation of a new septic system prior to selling the property in 2010, but never requested a Certificate of Compliance on the project. Since the filing was still "open", the Commission agreed that a Field Change would be appropriate. *Brown moved to approve a Field Change to the Plan Dated December 2, 2010 for DEP #125-0899 to allow removal of three trees as requested. Burn seconded the motion and all voted in favor.*

Great Brook Farm State Park - Beaver Dam Removal - Beaver Control:

Park Manager Steve Carlin and DCR Engineer Darryl Forgione had been present at the Commission's May 9, 2013 meeting to discuss unpermitted beaver dam removal activity in the vicinity of the park. At that meeting, Carlin said that DCR had been working with state contractor Integrated Wildlife Control to address ongoing beaver management prior to the discovery of the dam breaches and was therefore able to provide before and after photographs documenting the disturbances. The Commission determined at their May 9 meeting that they would consider issuing an Emergency Certificate to allow beaver management activities once they had an opportunity to review the proposed "Assessment and Recommendations for Beaver Related Flooding at Great Brook Farm State Park" provided by Integrated Wildlife Control and following a site visit to assess the damage.

Willard reported having conducted an initial site visit with Carlin and found there had clearly been some alteration of a dam in the vicinity of the Tennessee Gas Line as well as some erosion through the gas line Right of Way. They had also inspected two of four other sites where there had been field flooding resulting from the dams.

Willard attended a subsequent site visit conducted by MassDEP representative, Michael Abel, in order for him to review the damage to the Bordering Vegetated Wetland and current site conditions. Commissioner Brownrigg and Park Supervisor Steve Carlin were also in attendance. All altered areas discovered by park staff were reviewed.

Willard confirmed that the issuance of an Emergency Certificate was appropriate in accordance with DEPs guidelines relative to what conditions constitute an emergency, including impacts to the gas line right of way and the flooding of agricultural fields, which are both considered a threat to human health and safety. She explained that the BOH will be concurrently issuing an Emergency Certificate to allow trapping if this is deemed necessary. Willard noted that any trapping will need to be undertaken prior to June 1, when there is a high likelihood that there may be kits in the beaver dens.

Brown moved to approve an Emergency Certificate for Great Brook Farm State Park to allow the following work associates with beaver control in and around the vicinity of the park: (1) breaching of two beaver dams, one each at site #1 and #3 as identified in the recommendations submitted by Integrated Wildlife Control (the dam at site #3 is responsible for flooding an agricultural field); (2) installation of a pond leveler at Site #1 to mitigate flooding along the high pressure gas line. Special Conditions include: (1) notify all downstream property owners at least 3 days prior to the planned breaching of the dam in order that private lands, structures and utilities can be protected from the effects of potential flooding; (2) in order to protect Curve Street from flooding, confirm with the Carlisle DPW that downstream culverts providing drainage under Curve Street are clear of debris; (3) contact the office of the Conservation Commission at least one day prior to the planned breaching of the dam. Burn seconded the motion and all voted in favor.

8:00 p.m. (DEP #125-0936) Notice of Intent, Continued Hearing

Applicant: Town of Carlisle, Gleason Public Library

Location: 22 Bedford Road

Project Description: Repair of an existing sewage disposal system

Guarino opened the Continued Hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. The previous hearing had been continued pending approval of a waiver requested by the applicant of a Board of Health local regulation, and which has since been approved .

Willard noted that Stamski and McNary has provided Library Director Katie Huffman with a copy of the Stormwater Operations Management Plan in order to address concerns raised at the previous hearing relative to maintenance of stormwater control features and to better address appropriate disposal of yard waste.

Bush moved to close the hearing for DEP #125-0936, Ascolillo seconded and all voted in favor. Brown moved to issue a Standard Order of Conditions with a Continuing Condition allowing the manual removal of exotic invasive plant species within the Commission's jurisdictional area on this property. Ascolillo seconded the motion and all voted in favor.

8:05 p.m. Enforcement Order Follow Up: Luciano Manganella, Skelton Road:

Guarino opened the discussion to continue with the process of addressing the unauthorized work that had been undertaken by property owner Luciano Manganella. An Enforcement Order dated April 11 had been issued to the property owner, requiring all clearing activity within resource areas including Riverfront Area, the 100' Buffer Zone of a BVW cease and desist until further notice.

At their April 25, 2013 meeting, the Commission determined that the property owner would be required to have the wetland resource area boundaries delineated and that a site visit would be in order prior to making any further determinations relative to a restoration plan. A site walk was conducted on May 8, with the general consensus being that, although work was done within the jurisdictional areas, it was not as extensive as they had previously thought.

George Dimakarakos of Stamski and McNary was present to provide an overview of the work that had occurred within Commission's jurisdictional area and to discuss what they are proposing in terms of remediation measures. He said that most of the work undertaken was comprised of mitigation of invasives, although there was some tree cutting as well. Some of the work that was initially thought to have occurred in wetland resource areas was in fact outside of the Commission's jurisdictional areas. He said that the extent of the work done within the Riverfront Area was less

extensive than they initially determined due to a clearer understanding of the position of the Mean High Water Line. He acknowledged that the property owner also is aware that he was in violation of the Orders of Conditions for DEP #125-0893 by moving forward with work without first contacting the office of the Conservation Commission to inform them he was beginning work as well as following other requirements of the Orders of Conditions..

Dimakarakos recalled that there had been some discussion on the site visit as to whether a NOI would in fact be needed. (The Enforcement Order issued on April 11 stated that a NOI would be due to the issuing authority on or before May 23, 2013). He provided the details of the additional cleanup work they will be proposing within the six work areas identified, which he said the property owner would like to address within the scope of a NOI. They will also request that the Commission include a Continuing Condition allowing ongoing removal of invasives located within jurisdictional areas. Most of the work they will propose includes removing debris, dead trees and branches as well as continuing to mitigate the invasives. Trees that were previously cut will have their stumps cut to ground level, leaving the roots in tact. The exception to this will be within the open field on Lot 2, where several apple trees were trimmed. The intent would be to completely strip the topsoil near this location for invasive species root removal and to re-loam and seed with meadow grass to restore the farm field and to allow mowing to resume. Bush noted that the field is not located on Mr. Manganella's property. Dimakarakos said Manganella would be requesting permission from Elliott Family, which was supportive of the work and very encouraged by seeing the invasives being cut back in order to reclaim the field.

Burn said "as presented, this has been a happy tale of fighting back invasives here and there, when in fact, it was done out of sequence and unapproved. We can't have people just doing these things and saying it was just invasives." Dimakarakos said that Mr. Manganella is fully aware of that and the Commission's Enforcement Order speaks loudly to it and that he is fully aware of the circumstances he was called in under.

Dimakarakos said that it seemed that filing of a NOI to cover all of these things, to outline them, to show them on a Plan, would be appropriate. His next question was whether the Commission would allow anything now in terms of removing some of the debris within jurisdictional areas. Guarino said that her impression is that it was not as extreme as what she had expected in terms of what was done in jurisdictional areas. Ascolillo said he agreed with this, noting that it was largely work on invasives control, and that the site visit made a big difference in that he found that not nearly as much work was done in jurisdictional areas as he previously thought.

Regarding whether or not the filing of a NOI would be appropriate, Guarino said she was just making the point that if the applicant had come to the Commission before doing the work they may have considered another approach. Willard suggested that if the Commission determines that a new NOI will be required, a Continuing Condition allowing the manual removal of invasive plants would be helpful. Bush noted that the Commission typically asks an applicant to show specifically what trees they propose to cut and for what reason so that it is documented properly in the files and so that it is consistent with what is required of other applicants. She asked if there are any plans to replace the trees that were cut. Dimakarakos said that planting of native species is not something they are not required to file for. He said the property owner will continue to plant for years to come and if there is something specific he has in mind, they will include that in the NOI.

Guarino said she appreciated the property owner's responsiveness to the Enforcement Order. She said it was interesting during the site visit to hear from the Elliott Family of what the land had previously been and how the open fields have been taken over with invasives. Dimakarakos asked whether the Commission would allow the property owner to begin some of the clean up of brush piles and debris. Mr. Manganella asked why this is an issue, since he would not be cutting any trees. Burn said that the Commission can't have people taking things into their own hands based on their opinions and that personally he had no problem with allowing him to start cleanup but in terms of tree/invasives removal, they would need to file.

Brown moved to amend the Enforcement Order issued April 11, 2013 to state that the Commission has approved an extension for submission of a filing for a June 27 hearing, and to remove the Stop Work Order on the existing Orders of Conditions for DEP #125-0893, Bush seconded the motion and all voted in favor.

8:45 p.m. Lynn Knight: CISMA Funds Use in 2013: Land Steward Lynn Knight joined the discussion via speakerphone to discuss use of the remaining funds in the 2012 National Fish and Wildlife Foundation grant awarded to the SuAsCo CISMA under their Pulling Together Initiative Grant program. Knight said that there are approximately five work days left from the New England Wildflower Society (NEWFS) and an additional \$300-\$400 for brush clearing. She reported she and Willard had recently conducted a site visit with Amanda Weise from NEWFS to re-evaluate the areas at Foss where work had been done last year and to provide her recommendations for the remaining staff time. Weise suggested that they go back and herbicide areas that were treated last year, as well as to herbicide areas where Cook Company had done mechanical brush clearing along the agricultural fields edges. She also suggested they re-treat along the Fish and Wildlife boundaries. Her thought was to re-treat the areas where they did “cut and paint” to control the Buckthorn, as 80-90% of seed stocks would likely come back this following year. Weise estimates that the work at Foss would require three days or less, leaving two days to use elsewhere, with the work to be done prior to the grant period expiring on September 30, 2013. Knight confirmed that as long as the work is used for field restoration, the remaining funds can be used on other conservation land properties.

Willard suggested they check with agricultural lessee Mark Duffy relative to treating the perimeter of the upper field and to check with the Community Gardeners relative to treating along the perimeter of the gardens. Knight said NEWFS has proposed work days on June 18, 19 and 20, with the work along the perimeter of the gardens being quite a distance from the plots. Addressing the concern of the herbicides being used within proximity of the gardens, Knight said that they would be using the foliar spray Glyphosate in an area that is quite a distance from the actual gardens, and this particular herbicide remains on the foliage and binds to the soil, so there is not a concern that it would travel.

Burn said he was comfortable with what Knight is proposing at Foss, but that the Commission may need to take a second look at potential work at Towle. Ascolillo said he thought Knight’s proposal to use the remaining time elsewhere makes sense as long as the three days will be sufficient to completely knock the invasives out. Guarino asked whether any additional work is needed to follow up the grant funded work that was done at on the Ben’s Woods Conservation Land. Knight said the area had been retreated and that she and Amanda Weise had recommended they reapply to control regrowth and use the remaining time to cut back the Burning Bush growing along woods. Willard asked if the funds can also be used to control Poison Ivy. Knight said that the project is intended for field restoration for wildlife habitat, so if the work involves targeting Buckthorn and Poison Ivy in a field where it is influencing grasses and other grassland plants, it is fine. She said she had consulted CISMA and the recommendation is to plant early grasses following treatment of the Poison Ivy in order to out-compete future growth.

The Commission supported Knight’s proposal to use two of the remaining days at Foss Farm and one to complete work at Ben’s Woods. They will continue the discussions of whether to use the two remaining days at Towle when they have had an opportunity to give the matter further consideration and following the public site walk at Towle Field scheduled for June 1, 2013 at 9:00 a.m.

Towle Field Management for Invasives: Land Steward Warren Lyman had requested time on the agenda to discuss an informal recommendation from LSC to provide a detailed report evaluating potential options for future invasives management at Towle Field. They propose to include a comparison of treatment options and their associated pros and cons, time and funding requirements and potential volunteer work. Lyman said that he and co LSC member Liz Carpenter have agreed to work on the project, as well as Tom Brownrigg, who often attends the LSC meetings.

During the LSC discussion, they also agreed with Tom Brownrigg’s previous suggestion that it may be useful to establish a small test plot and a control plot. Lyman said that the Commission might consider using the remaining CISMA grant funding to stake out an area for this purpose in order to get an indication of what would happen if a larger portion of the field were treated in the future.

Burn said he thought it was a great idea and offered to assist the group in preparing the report, noting that they also had to consider time constraints in that the work has to be done by the end of September. Guarino said that, in terms of what ConsCom had discussed doing at Towle, they want to make sure they keep moving, so that if there are

individuals that are willing to do the work, that would be a logical next step following the Public meeting held on Towle Field Management held earlier this spring and following the upcoming Towle Field public site walk scheduled for June 1, 2013. Brown said he thought it would be helpful to conduct a beta test at Towle Field in order to know what funds would be needed going into the next budget cycle. Willard said it was conceivable to use the report to come up with a management plan and obtain proposals for a multi-year CPA grant.

Guarino thanked Lyman and said the discussion will be continued following the public site walk.

Land Use Permit - Michael Drinkwater, Greenough Conservation Land Invasive Plant Removal:

At their previous meeting, the Commission issued a Negative Determination to Eagle Scout candidate Michael Drinkwater for a project involving invasive plant management along the Wood Duck Trail and at the parking lot at the Greenough Land. Following the decision, the Commission determined that a Land Use Permit would also be required because the Commission is the property manager of the town-owned Greenough Land. *Brown moved to issue a Land Use Permit to Michael Drinkwater to conduct invasives plant management project on the Greenough Land as proposed in DOA-303, with the work date scheduled for June 8, 2013 and a rain date of June 15, 2013. He also moved to empower Willard to sign the yet to be completed document on the Commission's behalf. Burn seconded the motion and all voted in favor.*

CR #65: The Commission approved the use of General Budget funds in the amount of \$150 to cover the recording of the Conservation Restriction and the Transfer of Real Estate for the Elliott Preserve at the Registry of Deeds. They also signed the expense vouchers authorizing the disbursement of the previously approved \$300,000 in CPA funding and \$71,000 from the Conservation Fund to cover remaining expenditures associated with the purchase.

Conservationist of the Year Award: Willard reported that although she had submitted the COYA nomination form to the Carlisle Mosquito, only a small notice was printed.. She said she did however receive some nominations via email. After a discussion of the potential recipients and given the appropriateness of the timing following the grant of the Elliott Preserve CR, *Brown moved to nominate the Elliott Family in recognition of their work to protect the Concord Wild and Scenic River, Burn seconded and all voted in favor.*

Elliott Preserve Update: Willard reported that the real estate closing is scheduled for May 30, 2013 in the Clark Room at Town Hall.

Open Space and Recreation Report Update: Willard reported that the Committee is in the final editing stages and working to finalize the maps, with the goal of holding a Public Meeting prior to June 30, 2013.

Benfield Land Maintenance: Brown reported that he had been unable to confirm his request for time on the Housing Authority's upcoming agenda so he will be requesting time on a future agenda to discuss cost sharing relative to maintenance of the septic, public water supply wells and the maintenance access path. He said he would like to get a true accounting of affordable housing costs in town overall because there needs to be a budget for long term maintenance costs and the town needs to have this information if they are going to build additional affordable housing in the future.

Burn said that the Commission also needs to proactively define appropriate uses of conservation land relative to potential considerations for future recreation and affordable housing uses. It was agreed that the Commission would include "Clarification of Proper Uses of Conservation Land" on an upcoming agenda in order to continue the discussion.

Draft Wetland Regulations Response: Willard had distributed draft response to the DEP's proposed regulatory changes. The Commission thanked Willard for her time and effort and approved submission of the response as proposed to the DEP prior to the deadline for comments on June 30, 2013.

New Town Counsel: Guarino, who is a member of the Town Counsel Selection Committee, announced that the Selectmen have appointed the firm of Miyares & Harrington, LLP as Carlisle's Town Counsel effective May 14, 2013.

She said that a standout about this firm was the extent of their land use background. Also several members of the firm have previously or are presently members of their town's Conservation Commission. She said that Town Counsel will be making rounds to boards and committees over the next couple of months.

Carlisle Natural History Survey: Burn reported that the Carlisle Natural History Survey committee had held their third meeting recently and have determined that the OS&R Species List is a stunning document that they will adopt as a basis for their use. Sally Zelienski, who is also a member of the committee, said the list was generated by collecting information from different documents including land surveys, past OS&R Reports, results from prior Biodiversity Days and they are now in the process of generating a database and a local website to make it easier to access natural history information for the Town of Carlisle.

Towle Field and Benfield Maintenance and Mowing: Bush recused herself from the discussion. Guarino reported that the Commission had received two bids in response to their RFB for their annual Towle and Benfield Mowing Agreement. Willard reported having discussed with Town Administrator, Tim Goddard, the issue of whether or not the Commission was required to accept the lowest bid. Goddard confirmed this is not a requirement and suggested additional due diligence in terms of implementing sound business practices and good fiscal judgment. Bids were received from Tim Jones of Maynard and from long time mower Jack O'Connor, with Jones' bid coming in at \$314 less than O'Connor's. Because of the closeness of the bids, she did contact Mr. Jones for references, one of which turned out to be the Director of Conservation in Concord, Delia Kaye, whom she called. Delia said that Mr. Jones did a fine job on Concord's properties.

Willard noted that because the Commission is not completely set on what they want to do in terms of invasives management at Towle, she asked the contractors for their regular hourly rate, with Jones coming in at \$80 per hour and O'Connor at \$68 per hour. Brown noted that given O'Connor's long-term familiarity with the land and his demonstrated flexibility, the savings differential may not be worth it. Ascolillo said he agreed with Brown in terms of O'Connor knowing the land and where the problem issues are located. He said he thought it would be helpful to go into the Towle Field Maintenance project with someone who has worked the land previously. Guarino said she thought these points play into what she would consider to be sound business practices and agreed that \$314 is not necessarily substantial. Burn said he also agreed that familiarity with the fields as the Commission enters the management phase at Towle will be useful and that for a difference of \$300, their comfort with the current contractor is worth at least as much. Guarino commented that it was good to know that another mower was in the area in the event that another mower is needed in the future. Willard noted that the Commission will need a contract signed by June 30, 2013 in order to encumber any remaining funds for the mowing.

With no further discussion, *Brown moved to recommend to the Town Administrator that the Towle and Benfield Mowing Agreement be awarded to Jack O'Connor based on good business practices, Ascolillo seconded and all voted in favor, with the exception of Bush, who had previously recused herself from the discussion.*
The Commission will send a letter to Jones thanking him for his interest and encouraging him to resubmit in the future.

Cranberry Bog Agricultural Agreement Committee (CBAAC): Ascolillo, who is the Commission's CBAAC liaison, reported that their previous meeting with Cranberry Bog Lessee Mark Duffy was very informative. He said they discussed various issues including potential alternative crops, current costs and pricing and potential measures to improve current crop yield. The committee's next steps include meeting with some other farmers in the area to explore ways to make the bog more viable and to visit other cranberry growers in Massachusetts. He will update the Commission following the next CBAAC meeting scheduled for June 10, 2013.

10:20 p.m. Burn moved to adjourn, Brown seconded and all voted in favor.

Respectfully submitted,
Mary Hopkins
Administrative Assistant